

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of )  
Jean-Luc IMLER et al. )  
Application No.: Unassigned ) Group Art Unit: Unassigned  
Filed: December 22, 1998 ) Examiner: Unassigned  
For: DEFECTIVE ADENOVIRUSES AND )  
CORRESPONDING )  
COMPLEMENTATION LINES )

**NOTIFICATION PURSUANT TO 37 C.F.R. § 1.607(c)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. § 1.607(c), Applicants hereby notify the Examiner that the instant application includes claims directed to the same patentable invention and thus suitable for an interference with U.S. Patent No. 5,700,470 to Saito et al. A Request for Interference Pursuant to 37 C.F.R. § 1.607 will follow in due course.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: Susan M. Dadio  
Susan M. Dadio  
Registration No. 40,373

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Date: December 22, 1998

H 2  
Re Amended  
2/4/99

Request for Filing Continuation/Divisional Application  
of Application Serial No. 08/379,452  
Attorney's Docket No. 029395-005  
Page 2

4. ☒ The filing fee is calculated below ☒ and in accordance with the enclosed preliminary amendment:

CLAIMS					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$760.00
Total Claims	60	MINUS 20 =	40	x \$18.00 =	\$720.00
Independent Claims	4	MINUS 3 =	1	x \$78.00 =	\$78.00
If multiple dependent claims are presented, add \$260.00					-0-
Total Application Fee					\$1,558.00
If small entity status is claimed, subtract 50% of Total Application Fee					N/A
Add Assignment Recording Fee of \$40.00 if Assignment document is enclosed					
TOTAL APPLICATION FEE DUE					\$1,558.00

5. ☐ Charge \$ \_\_\_\_\_ to Deposit Account No. 02-4800 for the fee due.
6. ☒ A check in the amount of \$ 1,558.00 is enclosed for the fee due.
7. ☒ The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in triplicate.
8. ☐ Cancel in this application original claims \_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
9. ☒ Amend the specification by inserting before the first line the sentence: --This application is a [X] continuation, [ ] divisional, of Application No. 08/379,452, filed January 30, 1995, which is a 371 of PCT/FR94/00624, filed May 27, 1994.--
10. ☐ Transfer the drawings from the pending prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate of this paper is enclosed for filing in the prior application file. (May only be used if signed by person authorized under 37 C.F.R. § 1.138 and before payment of issue fee.)

11. ☐ New drawings are enclosed.
12. ☒ Priority of Application No. 93 06482 filed on 28 May 1993 in France (country) is claimed under 35 U.S.C. § 119.
- ☒ The certified copy of the priority application  
☐ is enclosed  
☒ was filed in the International Receiving Office in PCT/FR94/00624, filed on May 27, 1994.  
☐ has not yet been filed.
13. ☒ A preliminary amendment is enclosed.
14. ☒ Also enclosed is an Information Disclosure Statement Transmittal Letter, an Information Disclosure Statement, a PTO Form 1449, a copy of U.S. Patent No. 5,700,470, and a Notification Pursuant to 37 C.F.R. § 1.607(c).
15. ☒ The power of attorney in the prior application is to Burns, Doane, Swecker & Mathis, L.L.P..
- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☒ Recognize as Associate Attorney Susan M. Dadio, Reg. No. 40,373.

12/22/98  
jc595 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING CONTINUATION/DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)

jc549 U.S. PTO  
09/218143  
12/22/98

Box PATENT APPLICATION

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 08/379,452 filed on January 30, 1995, for DEFECTIVE ADENOVIRUSES AND CORRESPONDING COMPLEMENTATION LINES, by the following named inventor(s):

- (a) Full Name Jean-Luc IMLER
- (b) Full Name Majid MEHTALI
- (c) Full Name Andréa PAVIRANI

☒ The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

- (a) Full Name \_\_\_\_\_
- (b) Full Name \_\_\_\_\_
- (c) Full Name \_\_\_\_\_

1. ☒ Enclosed is a copy of the prior Application No. 08/379,452 as originally filed on January 30, 1995, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
2. ☐ Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
3. ☐ \_\_\_\_\_ statement(s) claiming small entity status ☐ are enclosed ☐ were filed in prior Application No. \_\_, filed on \_\_.

- d. ☒ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Norman H. Stepno  
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Alexandria, Virginia 22313-1404

December 22, 1998  
Date

By: Susan M. Radio Reg. No. 48,373  
for Norman H. Stepno  
Registration No. 22,716

ADDRESS OF  
SIGNATOR:

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- ☐ inventor(s)  
☐ assignee of complete interest  
☒ attorney or agent of record  
☐ filed under 37 C.F.R. § 1.34(a)